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World Chronicle

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GUEST: **Christine Chanet**
Chairperson
United Nations Human Rights Committee

JOURNALISTS: Rob Watson, BBC
Afsane Bassir Pour, *Le Monde*

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HUMAN RIGHTS COMMITTEE

When the United Nations adopted the International Covenant on Civil and Political rights, it established a body of experts, the Human Rights Committee, to supervise the implementation of the Covenant by States parties. Mrs. Christine Chanet, the first woman to chair the Committee, discusses different aspects of the Committee's work regarding the protection of human rights.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is **World Chronicle**.

At the core of United Nations action to protect and promote human rights and fundamental freedoms is the International Bill of Human Rights. One of the main components of the Bill is the Covenant on Civil and Political Rights, which obliges Member States to give the force of law to the rights it proclaims. But do Governments always abide by their obligations? To see that they do so, the United Nations has established a body of experts to supervise the implementation of the Covenant: the Human Rights Committee. Our guest today, Christine Chanet, is the first woman to chair this committee. Joining me to talk with Mrs. Chanet are Rob Watson of the BBC and Afsane Bassir Pour of *Le Monde*.

Mrs. Chanet, welcome to World Chronicle.

Madame Chanet, I'm tempted to ask you at the start of this programme, since there's currently a dispute going on between the city of New York and the United Nations over parking, whether the city is violating the human rights of human diplomats, but I think we should pass on to more serious material. Tell us a bit about your Human Rights Committee. I presume you don't have any enforcement powers because you serve in your individual capacities as members of the Committee and are not actually representing Governments. But what exactly are your duties and what have you achieved so far in the Committee?

CHANET: Well, I'm very happy to be here to try to talk about the Human Rights Committee, because, you know, there are so many bodies, especially in the United Nations, that take care of human rights, so sometimes people don't make any difference between the Commission [on Human Rights] and the Committee of Human Rights, and as you say the Committee is a treaty body, so it has to monitor the [International] Covenant on Civil and Political Rights.

LITTLEJOHNS: When you say treaty body, does that mean that it's more technical than political?

CHANET: No, it means that it's a Convention, and it is a treaty body because the Committee is in the Convention. In the Convention it is said that —

LITTLEJOHNS: There's provision in the treaty.

CHANET: — the provisions of — yes. All the provisions concerning the Committee and the duties of the Committee are in the Convention. The Committee is enforced by the Convention itself, which is not the case for the [International] Covenant on [Economic,] Social and Cultural Rights.

LITTLEJOHNS: So when you meet three times a year, whatever it is, what do you do?

CHANET: So, we do the duties that we have that are in the Covenant, which is to see the reports of the States, because the States are — under Article 40 of the Convention the States are reporting to us, an initial report when they become a party to the treaty, and after that a periodic report every five years. And when we have special problems in the country, as we had last year for Nigeria, we had for Iraq, for the former Yugoslavia, we ask for a special report. So our main point, our main duty, is to see the reports of the States.

WATSON: But essentially you're leaving it in the hands of the Government. It's the Governments of these countries which report to you on how human rights are going in their countries.

CHANET: Well, we are listening to the Governments, we are raising questions. But when we raise questions the Governments — we are 18 members, 18 independent experts, and each one is raising questions. Those — well, you know, it's the way, like the Government answer, you can see it, it's public; you have the NGO, you have all the information coming from the NGOs, coming from the special rapporteurs on some matters about torture, the special rapporteur on torture, the special rapporteur —

WATSON: So those things come to you, you don't just get things from the Governments.

CHANET: Yes. But those things, that information is coming to us; we use it. And with these sources we raise the questions to the Governments. But we are not a political body, so we raise questions much more — questions regarding laws of the country, and the frame of — and institutions and the constitutional frame to see how the Covenant can be implemented. And we just make some comments and some concerns and, after that, some recommendations.

WATSON: Well, let me put it this way. Say I was a nasty brutish dictator of some unpleasant country, and I had been violating this, that and the other. What exactly would you do about it? You would make suggestions to me that I ought to change the constitution of my country?

CHANET: Yes.

LITTLEJOHNS: And you would say, "Go to hell", to put it mildly.

CHANET: Yes, but you know, sometimes it works. Because — take the example of the Netherlands. In the Netherlands it was not in the duty of the report, it was on the communication, because people — an individual can come in front of the Committee and raise a point, saying that, you know, my country is violating my rights. And we had a point with the Netherlands. And the Netherlands followed our advice and changed the whole legislation about —

BASSIR POUR: The Netherlands is a democracy, of course. He's talking about a brutal dictator.

WATSON: Yes, I mean —

BASSIR POUR: Could you give us, to make it more concrete, some examples of where your Committee has changed lives for ordinary human beings, in which countries?

CHANET: Well, you know, maybe we are just a little piece of stone, a little sand, you know. We can't say that — we have to be modest, we can't say that we have changed — who can say that they have changed the life of everyone in the country —

BASSIR POUR: Are there any examples of any improvement in human rights in any countries that have come to your notice?

CHANET: I wouldn't say that in that way, you know. I have been in the Committee for 10 years, and if you — you know, I could raise the point you said: it's a democracy; well, if it's a democracy it follows our advice. Well, another little point is Senegal. Senegal, we said to the Senegalese delegation, well, you should not have — it's against the Covenant to have a visa to go out of the country. So, when they came next time, they said, now we have no more visa to go out of the country. That's a little improvement. It's not a very big improvement. So on special points, you know; we don't have huge effects. But if you see, you know, all that we have done, I think we have been — our Committee and other bodies and — many others say pressure, international pressure.... When I came in 1987, you know, the Wall was still in Berlin; Pinochet was still in South —

LITTLEJOHNS: In Chile.

CHANET: — in South America, in Chile; apartheid was still in South Africa. But I'm not saying that the Committee changed anything. But now we have a Chilean colleague, you know, so —

BASSIR POUR: You used the image of a grain of sand. Now, some people are suggesting that all these bodies that you mentioned at the beginning be merged and be made into one super-human-rights body. I believe this is a suggestion even made by a rapporteur to the General Assembly. What's your view on that?

CHANET: My view is that you have — well, something that you can do is maybe it's not necessary to have so many. Yes. But I think you need to have — like in a country, you need to have one political body and one judicial body. What we can have, it's a kind of court. That would be something legal —

BASSIR POUR: The international criminal court.

CHANET: Not criminal.

BASSIR POUR: No?

CHANET: Not criminal. International human rights court, like we have in the European system. That could be an idea.

LITTLEJOHNS: Has anyone proposed that, Madame Chanet? Has that been proposed to the UN General Assembly, for example?

CHANET: No, but you know some people are thinking about it. Because you have communication on the torture convention, communication, we have hundreds of — 130 communications on the Human Rights Committee, individual cases, and the CERD, the Committee on [the Elimination of] Racial Discrimination, they have some communications. And the conventions on women, they are making a protocol now, they are drafting a protocol to make also a communication. So I think it's not very good to have all those bodies for individual communications. I think —

LITTLEJOHNS: As you know, the question of human rights in China comes up repeatedly, among other countries — of course, Cuba; one could go down a list. Is China a party to the Covenant? I think there are 138 parties, right?

CHANET: Yes.

LITTLEJOHNS: Is China one of them?

CHANET: No, China is not one of them. And, as you know, there is for the time being at the Commission a question about China and the Covenant. And China says, well, the Chinese president said that they are going to be party to the Covenant, and the problem is going to be very soon with Hong Kong; and this time we have Macao, and the difference between Hong Kong and Macao is that in Macao they have the Covenant in the basic law, which means that in Macao, the basic law, it's unilateral, so, in Macao, the Chinese said, we are going to apply the Covenant in Macao. In Hong Kong it's —

LITTLEJOHNS: But not in Hong Kong?

CHANET: No. In Hong Kong, it's in the joint declaration between the British and the Chinese. So it's an agreement, an international agreement, but it's not in the basic law of Hong Kong.

WATSON: If I could broaden things out and make it more general issues of human rights, because — although the expression "human rights" is bandied around an awful lot, what exactly do you mean by human rights? What kind of things?

CHANET: Well, for me, I have no definition to give to human rights. I have a convention, and in my convention they have Article 1, Article 2, and Article 3, which say men and women are equal; Article 4 says that when you have a state of emergency you have to take that and that, you have to make so and such, you have to go to — not to torture, not to kill people; you have the Article 7 that says no one has to be tortured; Article 6 that everyone has the right to life —

WATSON: And so the convention is — the convention is the Bible —

CHANET: Yes.

WATSON: Freedoms of speech.

CHANET: Yes. Freedom of expression —

BASSIR POUR: Right to life.

CHANET: — Right to life, freedom of expression, freedom of association, to make unions, the free — the rights of minorities, we have. And we have something that is not in the European convention, which is the right of public — for the public offices.

LITTLEJOHNS: This is **World Chronicle**. Our guest is Christine Chanet, Chairperson of the United Nations Human Rights Committee.

WATSON: Again on a broad theme, the broad theme of human rights, rather than getting too much — focussing on your committee or any other UN work, there is always a feeling, whether it's reasonable or not, ordinary people say, well, isn't it frustrating, there are human rights violations that we hear about in China, in Myanmar, Burma, whatever you like to call it, and other parts of the world, and they shake their heads and say, well, what is the international community doing about these places? There's a sense of frustration out there, isn't there?

CHANET: Yes, but I think you could say that not only for human rights, you have to say that for many peace problems around the world. You know, it's not only for human rights, and for human rights I have the answer that I gave you a few minutes ago, you have to see that in a long period, and to say, what — but where are the changes in 10 years, no?

BASSIR POUR: Madame Chanet, you had quite a controversial session this time, at least as far as the NGOs are concerned, the non-governmental organizations. As Rob pointed out, you listen to the Governments, obviously, you read their reports, but you also have independent experts. Now, I understand some of these independent experts are not so independent. You had the foreign minister, or the vice foreign minister of Colombia as an independent expert on his own country. The NGOs think this is not the way to go about it. What do you answer to them?

CHANET: My answer is that the Committee is supposed to be the Covenant — it is in the Covenant that the expert has to be independent, and, you know, it's the States parties who are voting and electing members, and the Committee can't do anything about that.

BASSIR POUR: A deputy foreign minister of a country obviously can't be independent.

CHANET: Of course.

BASSIR POUR: Can't you resist that? I mean, do you have any powers?

CHANET: We have an ambassador also, as you know.

BASSIR POUR: So it sounds like a joke to me, quite frankly, when you call them independent experts.

LITTLEJOHNS: But you are totally independent?

CHANET: Me? Yes. I am a judge, you know. So, a French judge. So, how can it be?

WATSON: But I mean, if President Saddam Hussein issued a report on human rights in Iraq, you'd be slightly worried about it.

CHANET: Why?

WATSON: Well, one would think that maybe he wasn't necessarily the most neutral observer of human rights in Iraq.

CHANET: Well, you know, I — honestly, I don't think that we have that kind of person exactly. Even if they have official duties in their country, I don't think it's exactly the same as the example you took, you know.

BASSIR POUR: So you cannot veto any expert that's nominated by any Government? You have to accept them?

CHANET: We are — 138 member states are part of the Covenant, you know, and it's the States parties who are electing us. So what can — you know, we can't do anything. The only thing we can do — sorry — the only thing we can do is to fight, to make kind of guidelines between us. And that we do.

LITTLEJOHNS: Madame Chanet, or perhaps I should say Judge Chanet, your Committee has concluded its review of a number of reports on the observance or non-observance of human rights. What can you tell us about your decisions on these reports? Did you make recommendations that you expect Governments will respond to?

CHANET: Yes, we made recommendations to all the countries we've been — we have Colombia, Bolivia, Lebanon, Portugal, for Macao, and, for the first time, Georgia.

LITTLEJOHNS: The former Soviet republic.

CHANET: Yes. It was the first time after the independence of Georgia.

LITTLEJOHNS: And did they present human rights problems that you are able to deal with?

CHANET: Yes, of course. Many of them. Colombia and Bolivia, and Lebanon also. We made recommendations. And I think we may — you know, we have different kinds of recommendations, and we made recommendations which are difficult — well, for a country like Lebanon, you know, who said to us, and which is true, that he has not full sovereignty on the whole territory, you know, it's not —

LITTLEJOHNS: Tell us a bit about Colombia. I mean, that's a very difficult situation.

CHANET: Yes.

LITTLEJOHNS: What did you do about that?

CHANET: It's a very difficult situation because, you know, well, we — with Colombia, there are so many people killed in Colombia, and the Government was very frank to say that they had no power, that the military were —

BASSIR POUR: The Government has no power over the military?

CHANET: Yes.

BASSIR POUR: That's what they're saying.

CHANET: Yes.

WATSON: That's pretty frank.

BASSIR POUR: It's amazing.

CHANET: Yes. But you know, they said, "We need the military", and —

WATSON: Basically they're saying "We can't do anything about it"?

CHANET: That was my conclusion, and — well....

WATSON: Well, to get onto that theme of how do you do things about things, as a judge and as someone who's worked on this Committee for 10 years, but not in your capacity as a Committee member, I mean, from what you've learned, do you think that Governments like the United States, other Governments, ought to be very tough on other — on foreign countries which don't treat their citizens well, through economic sanctions? Are you more in favour of a softly, softly approach?

CHANET: I think we need both of them. You know, well, economic sanctions, the United Nations, you know what is the — economic sanctions, you know it's not always very efficient, it doesn't —

WATSON: You mean it hurts poor people more than the leaders of those countries?

CHANET: It hurts the people more than the leaders.

LITTLEJOHNS: The innocent as well as the guilty.

BASSIR POUR: But it works sometimes. As it did for apartheid.

CHANET: And it works sometimes, so you can't have a general view. So that — once again, our duty is modest. But, you know, I think what makes us strong is that any country who is coming in front of the Committee can't say you are not allowed to speak to me about that, because as long as they are a party to the treaty, they have to answer. And even if they lie, you know, it's up to us to see if they lie or not.

WATSON: So it would be a good idea to get more countries obviously to sign up for the treaty, that would be one obvious step.

CHANET: Yes, but now 138, we need China, of course —

LITTLEJOHNS: Is the United States a party to the covenant?

CHANET: Yes. And we had the United States two years ago, and it was a very, very strong meeting, because —

BASSIR POUR: Individual complaints by the US?

CHANET: No, no, but many, many reservations, and the Committee was very criticizing —

BASSIR POUR: On what? What were the problems for the US?

CHANET: The death penalty.

LITTLEJOHNS: What were the problems for the US?

CHANET: The death penalty against young people, against mentally ill people. It's against the Covenant.

BASSIR POUR: What did you recommend?

CHANET: Well, they have a reservation. We recommend to —

BASSIR POUR: To abolish the death penalty?

CHANET: To abolish the death penalty — the death penalty is not forbidden by the Covenant; there is an optional protocol. It's not forbidden, but it says that you have to go on and on and try to abolish.

WATSON: Maybe one thing that you ought to do — it's done with other things, and I don't mean to sound flippant — is to have a league table of human rights, and so at the end of every year you can see who's great, who's at the top, and then all the people who are at the bottom of the league feel absolutely ridiculous and awful.

LITTLEJOHNS: Well, in fact there is. I mean, the UN comes out with the social report, which covers that area. Does your Committee review that information, which the UN produces?

CHANET: No, no.

LITTLEJOHNS: May I ask you, Madame Chanet, the question of immigration is a very hot political item in many countries, including yours.

CHANET: Yes, yes.

LITTLEJOHNS: And of course the United States, Germany, to some extent the United Kingdom, many Western democracies. Do the laws which have been imposed in a number of countries, including this country, constitute violations of human rights, in your view?

CHANET: Sometimes, yes. And anyway, each time we have a problem of immigration because we have in the Covenant Articles 12 and 13 about immigration, so we always raise the question specially. And France is going to be the next report in Geneva, and I'm sure we're going to have many questions. And we raised the question when we had Germany last time in Geneva, we raised the question, we always raise the question of

immigration — the way, the laws. And we had a case which was an individual communications about a British citizen who was coming in Canada, and we had a communication, and now we have a jurisprudence about what is his own country. Because in the Covenant it says that no one can be thrown out of his own country.

WATSON: Can I ask you just one final question, really — a one sentence answer. Looking into the years ahead, what would you say are the main areas and challenges in human rights? Will it be immigration? What will it be?

CHANET: Oh, it's difficult to make a hierarchy. I would say for the time being, you know, during the 10 years of the committee, it's not always the same problem. But I would think that immigration — well, except for the countries where they have big problems like paramilitaries and people killing; in other countries, especially in the European countries, there is the problem of immigration; there is the problem of freedom of religion, which becomes a problem, and which was not that much a problem some years ago. And for the other countries which are not European, I would say definitely. Especially in some — well, there is one country — we have a power in our rules to ask not to execute someone, and we have a country where we have about 50 cases.

LITTLEJOHNS: Fifty?

CHANET: Nearly.

LITTLEJOHNS: Really?

CHANET: Yes.

LITTLEJOHNS: And have you had any good results from your interventions?

CHANET: For the time being, yes.

LITTLEJOHNS: You mean the execution has been stayed but the —

CHANET: Yes.

LITTLEJOHNS: — but the people have not been cleared.

CHANET: They haven't. No, but they haven't been executed. But I can't tell you the country because it's a confidential —

LITTLEJOHNS: Of course, I understand.

CHANET: It's a confidential procedure.

BASSIR POUR: Madame Chanet, you're the first woman to chair this Committee. Now, does this make any difference to women's rights? Do you have more people approaching you because you're a woman on women's rights?

CHANET: Well, I'm not sure that it is, because — maybe it's in the other way. It's because now the women's problems, the women's issues are coming much more than they were when I was in the Committee at the beginning. We were only two women, and the women's issues were not that much, you know, so often raised. But now we raise the question for each

country, and, you know, we discuss a lot the answers about the rights of women, and we don't want to — we avoid answers saying that it's cultural, it's education, these traditions, and now we argue on those. I think maybe that's the reason why, now there is a woman at the head of the Committee.

BASSIR POUR: Talking about women, India was supposed to be on your report —

LITTLEJOHNS: Enough, enough.

BASSIR POUR: Next time.

LITTLEJOHNS: Mrs. Chanet, that's all the time we have. Thank you for being with us on this edition of **World Chronicle**.

CHANET: Thanks to you.

LITTLEJOHNS: Our guest has been Christine Chanet, chairperson of the United Nations Human Rights Committee. She was interviewed by Bob Watson of the BBC and Afsane Bassir Pour of *Le Monde*.

I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

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